

REMARKS

Claims 1-12 and 18-29 are presently pending in the application. Claims 1 and 18 have been amended. No new matter has been added and support for the amendments to the claims can be found in the specification and drawings. In view of the above amendments and arguments presented hereinbelow, Applicant respectfully submits that these claims are now in condition for allowance.

Claim Rejections – 35 U.S.C. § 102(b)

Claims 1, 2, 18 and 19 stand rejected under Section 102(b) as being anticipated by U.S. Patent No. 5,701,582 to DeBay. Applicant respectfully traverses this rejection and submits that DeBay fails to disclose or suggest the claimed invention.

In accordance with an aspect of the invention as set forth in Claim 1, as amended, there is provided a method for outputting a performance, comprising:

receiving broadcast performance information via a network;

composing the performance by *mixing information stored on a local storage device with one or more portions of the received broadcast performance information*; and

outputting the performance. Emphasis added.

As described in the specification:

Several examples of specific operations performed using the above-described network 100, performance transmitter 200, performance reproduction devices 302 and 304, and storage devices 402 and 404 are described below. In a first example, the performance transmitter 200 is a radio station, the performance reproduction device 302 is an enhanced radio, and the storage device 402 has been pre-loaded with a library of songs. A radio announcer speaks into a microphone, which is included in the performance input device 220 of Fig. 2, and says, for example, "Here are the three most-requested songs of this week." The announcer then pushes one or more buttons, for example, on the command input device 230, and a command signal sequence including a Play 1 command appending the announcer's real-time performance is generated and transmitted to the network 100.

The announcer's voice information announcing "Here are the three most-requested songs of this week" is output through the performance output device 320, corresponding in this case to a radio speaker, based on the Play 1 command. The remaining command signal sequence is

executed by retrieving the three songs from the storage device 402 and outputting them to the radio speaker in the order indicated by the command signal sequence.

The radio station may transmit addition program information any time before the reproduction of the songs is completed. For example, the radio announcer may announce, "We will be back with more music after these messages from our sponsors" and then issue commands for reproduction of pre-recorded commercials or the like. The corresponding commands are transmitted to the performance reproduction device 302 prior to the actual performance output time. Thus, the radio station is provided great flexibility in performance production because the time of performance production is not tightly coupled to the time of performance output. Specification at page 15, lines 1 – 25.

In accordance with the foregoing description, broadcast information is received from the network, and a performance is composed "by *mixing information stored on a local storage device with one or more portions of the received broadcast performance information.*" For example, the radio announcer broadcasts the statement "here are the three most requested songs of the week." The broadcast statement is accompanied by a command to retrieve a plurality of songs from a local storage device 402. Thus, the listener hears the broadcast announcement in real time, but the three songs that are "played" on the radio station are retrieved from the storage device 402—they are not "broadcast" via a network. Thus, the performance is composed by mixing the broadcast information with the locally stored information. This practice is neither disclosed nor suggested in DeBay.

DeBay discloses a method of transmitting a program to multiple users over a distribution system. In particular, DeBay teaches transmitting a program divided into a plurality of segments from a head end to a multiplicity of "users' receivers such that, at least some of the segments are transmitted more than once from the head end so as to enable multiple receivers of users requesting playback of the program at different times to simultaneously receive the segments required for continuous playback of the program." Col. 2, lines 56 – 62. This is known as a "video on-demand" system. See, e.g., col. 5, line 35. The Examiner asserts that DeBay teaches "composing the performance by mixing stored information with one or more portions of the received performance information (column 4, lines 24-29). See Office Action at page 2, ¶3.

Applicant respectfully submits that this contention is misplaced. The cited portion of DeBay merely states that non-compressed media for use in the video-on-demand system can be converted into a compressed format. There is no teaching here of *mixing broadcast information* that is received from a network with *locally stored information* to compose a performance. Although DeBay discloses the downloading of segments of a video program to a user's receiver for future viewing by the user, such segments are part of a *single program* (e.g., a movie) and are not "mixed" as called for in the present claims. DeBay fails to disclose, suggest or mention anything corresponding to the claimed step of "composing the performance by *mixing* information stored on a local storage device with one or more portions of the received broadcast performance information." It is therefore respectfully submitted that claim 1 and those claims that are dependent upon claim 1 are patentable over DeBay. Claim 18 contains similar limitations to claim 1, and it is therefore believed that claim 18 and those claims dependent on claim 18 are likewise patentable over DeBay for the reasons set forth above.

Claim Rejections 35 U.S.C. § 103(a)

Dependent claims 3-12 and 20-29 stand rejected under Section 103(a) as being unpatentable over DeBay in view of Yoneda et al. U.S. Patent No. 6,151,078. Applicant respectfully traverses this rejection and submits that the addition of Yoneda fails to remedy the deficiencies in the disclosure of DeBay.


Yoneda discloses a "video data reproducing apparatus which receives a signal transmitted by the method of transmitting video data in which both interlaced scanning type video data and non-interlace scanning type video data are transmitted, reproduces both the interlaced scanning type video data and the non-interlace scanning type video data correctly, and displays the reproduced data." See Col. 6, lines 25 – 32. This disclosure is completely unrelated to the present invention. Yoneda is absent any teaching, suggestion or mention of mixing broadcast information that is received from a network with locally stored information to compose a performance. In fact, like DeBay, Yoneda completely fails to address the issue of "mixing" performances. Accordingly, it is respectfully submitted that Yoneda fails to remedy the deficiencies in DeBay and

that therefore the combination of these references does not disclose or suggest the invention of claims 3-12 and 20-29.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to AT&T Corp. Account No. 01-2745. The Examiner is invited to contact the undersigned at (201) 224-7957 to discuss any matter concerning this application.

Respectfully submitted,
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By:

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